

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Tony Dejuan Jackson,

Case No. 15-cv-4429 (WMW/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Governor Mark Dayton et al.,

Defendants.

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This matter is before the Court on the March 22, 2016 Report and Recommendation (“R&R”) of United States Magistrate Judge Jeffrey J. Keyes. In the R&R, Magistrate Judge Keyes recommends that Plaintiff’s motions for certification of a class action and for the appointment of counsel be denied without prejudice. Plaintiff filed timely objections to the R&R.

The Court must conduct a de novo review of any portion of a magistrate judge’s recommendation to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); LR 72.2(b). Plaintiff’s objections to the R&R reassert many of the arguments presented in his motions for certification of a class action and for the appointment of counsel. Plaintiff is correct that Rule 23, Fed. R. Civ. P., requires counsel to be appointed when a class is certified. However, a class has not been certified in this matter. The R&R relies on precedent that precludes a pro se party from seeking class certification or representing the interests of other litigants. *See Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir. 1994). Plaintiff’s arguments for the appointment

of counsel rely primarily on his assertion that “Class Actions are too complex for a Pro Se Prisoner to handle.” But a class action has not been certified. After conducting a de novo review, this Court adopts the R&R and incorporates its reasoning as applied to Plaintiff’s objections.

Based on the Report and Recommendation of Magistrate Judge Keyes, and all of the files, records and proceedings, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Class Action, (Dkt. 3), is **DENIED WITHOUT PREJUDICE**; and
2. Plaintiff’s Motion for Appointment of Counsel, (Dkt. 6), is **DENIED WITHOUT PREJUDICE**.

Dated: May 19, 2016

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge